IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Crl.MC.No. 1086 of 2005()

C.C.NO.375/02 BEFORE THE J.F.C.M.-II, KOCHI

PETITIONER: ACCUSED:

V.J. MARY, VALLOMTHYIL VEEDU,
MUNDAMVELI, COCHIN-7.

BY ADV. SRI.SHAIJAN C.GEORGE
SRI.JOHN VIPIN
SMT.S.A.SHERLY
SRI.M.T.AJITH

RESPONDENTS:

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1. K. RAVEENDRAN NAIR, RATHEESH BHAVAN,
KALAMASSERY SOUTH, ERNAKULAM.

2. STATE OF KERALA REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB
R1 BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.T.GOVINDAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 1086 of 2005

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Dated this the 28th day of March, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the N.I. Act. The case was posted for defence evidence. Witnesses were present, but the counsel could not reach the court. The witnesses could not be examined. The learned Magistrate has now posted the case for judgment. The petitioner has come to this Court with a prayer that the petitioner may be permitted to examine the defence witnesses.

2. No serious objection is raised by the learned counsel for the respondent/complainant. The counsel submits that the prayer may be allowed on appropriate conditions, as the respondent/complainant has been unnecessarily dragged to this Court and there has been unjustified protraction of the proceedings, all because the petitioner did not get ready for examination of the defence witnesses. I am, in these circumstances, satisfied that the petitioner can be granted an opportunity to examine the defence witnesses, subject to the

condition that the petitioner must pay cost of Rs.500/- to the respondent/complainant.

3. This Crl.M.C. is hence allowed to the above extent.

(R. BASANT)
Judge

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